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OFFICE OF PETITIONS

In re Application of	:	
James L. NAGLE	:	
Application No. 10/750,616	:	ON PETITION
Filed: December 31, 2003	:	
Attorney Docket No. 36205-29694	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 21, 2005, to revive the above-identified application.

The petition is **GRANTED**.


The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed January 12, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 13, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment that *prima facie* places the application in condition for allowance; (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office Action of January 12, 2005 is accepted as having been unintentionally delayed.

Since the \$750 petition fee submitted with the response on November 21, 2005 was previously submitted with the petition filed September 15, 2005, this fee is unnecessary and will be credited to petitioner's deposit account no. 50-2525.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 3712 for appropriate action on the concurrently filed amendment.


David Brucci
Petitions Examiner
Office of Petitions